

CCRB INVESTIGATIVE RECOMMENDATION

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|--|---|---------------------------|--|---|--|
| Investigator: Conor O'Shea | Team: Squad #5 | CCRB Case #: 201907203 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Friday, 08/02/2019 9:45 PM, Friday, 08/02/2019 10:26 PM, Saturday, 08/03/2019 12:54 AM | Location of Incident: Seaview Avenue & Nugent Avenue; 122nd Precinct stationhouse | Precinct: 122 | 18 Mo. SOL 2/2/2021 | EO SOL 9/19/2021 | |
| Date/Time CV Reported Fri, 08/02/2019 11:58 PM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Wed, 08/14/2019 10:51 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
| | |
| | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. POM Yassir Zahroof | 24718 | 962885 | 122 PCT |
| 2. POM Michael Lam | 25229 | 963106 | 122 PCT |
| 3. SGT Lara Cadogan | 01403 | 951995 | 122 PCT |
| 4. POM Richard Velez | 22734 | 953525 | SRG 5 |
| 5. An officer | | | 122 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. POM Christopher Reyes | 24403 | 962334 | 122 PCT |
| 2. POM Jadd Zahrieh | 29008 | 965635 | 122 PCT |
| 3. POM Aldo Yubini | 08600 | 939729 | 122 PCT |
| 4. POF Stephanie Mazza | 09173 | 948049 | 122 PCT |
| 5. SGT Anastasiya Paulik | 04825 | 948178 | 122 PCT |
| 6. POM Michael Hanna | 00618 | 941879 | 122 PCT |
| 7. POM Milton Salazar | 27226 | 942492 | 062 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|--|-----------------------------|
| A.POM Michael Lam | Abuse: On August 2, 2019, at the intersection of Seaview Avenue and Nugent Avenue in Staten Island, Police Officer Michael Lam stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. | |
| B.POM Yassir Zahroof | Abuse: On August 2, 2019, at the intersection of Seaview Avenue and Nugent Avenue in Staten Island, Police Officer Yassir Zahroof stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. | |
| C.POM Michael Lam | Abuse: On August 2, 2019, at the intersection of Seaview Avenue and Nugent Avenue in Staten Island, Police Officer Michael Lam seized § 87(2)(b)'s property. | |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|--|-----------------------------|
| D.POM Yassir Zahroof | Abuse: On August 2, 2019, at the intersection of Seaview Avenue and Nugent Avenue in Staten Island, Police Officer Yassir Zahroof seized § 87(2)(b) s property. | |
| E.POM Yassir Zahroof | Force: On August 2, 2019, at the 122nd Precinct stationhouse, Police Officer Yassir Zahroof used physical force against § 87(2)(b) | |
| F.SGT Lara Cadogan | Abuse: On August 2, 2019, at the 122nd Precinct stationhouse, Sergeant Lara Cadogan threatened § 87(2)(b) with the use of force. | |
| G.POM Michael Lam | Abuse: On August 3, 2019, at the 122nd Precinct stationhouse, Police Officer Michael Lam searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. | |
| H. An officer | Discourtesy: On August 3, 2019, at the 122nd Precinct stationhouse, an officer acted discourteously toward § 87(2)(b) | |
| § 87(4-b) § 87(2)(g) | | |
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Case Summary

On August 2, 2019, Sergeant Lara Cadogan (McNab) of the 122nd Precinct called the IAB Command Center and filed this complaint on behalf of § 87(2)(b) generating original IAB Log #19-29744. The CCRB received the complaint on August 14, 2019.

On August 2, 2019, at approximately 9:45 p.m., § 87(2)(b)'s boyfriend, § 87(2)(b) was driving § 87(2)(b) in her car when Police Officer Michael Lam and Police Officer Yassir Zahroof, both of the 122nd Precinct, pulled them over for allegedly excessive window tints at the intersection of Seaview Avenue and Nugent Avenue in Staten Island (**Allegations A–B: Abuse of Authority**, § 87(2)(g)). Police Officers Christopher Reyes, Jadd Zahrieh, Richard Velez, Aldo Yubini, and Stephanie Mazza, all assigned to the 122nd Precinct at the time, responded as backup. PO Lam and PO Zahroof arrested § 87(2)(b) the driver, for having a suspended license and violating an order of protection against § 87(2)(b) (**Board Review 01**) and also arrested § 87(2)(b) for violating an order of protection against § 87(2)(b) (**Board Review 02**). PO Lam and PO Zahroof seized § 87(2)(b)'s car (**Allegations C–D: Abuse of Authority**, § 87(2)(g)). PO Zahroof transported § 87(2)(b) to the 122nd Precinct stationhouse. PO Zahroof allegedly punched § 87(2)(b) in the back of the head as he assisted her out of the patrol car (**Allegation E: Force**, § 87(2)(g)). Sgt. Cadogan pointed a Taser at § 87(2)(b) while he was lodged inside a holding cell at the stationhouse (**Allegation F: Abuse of Authority**, § 87(2)(g)). On August 3, 2019, at approximately 12:54 a.m., in the vicinity of the 122nd Precinct stationhouse, PO Lam searched § 87(2)(b)'s vehicle (**Allegation G: Abuse of Authority**, § 87(2)(g)). While § 87(2)(b)'s car was at the 122nd Precinct stationhouse, an officer allegedly spat phlegm onto it (**Allegation H: Discourtesy**, § 87(2)(g), § 87(4-b), § 87(2)(g)).

The investigation obtained BWC footage (**Board Review 03–26**, summarized at **Board Review 27–37**). Any relevant stationhouse footage had already expired by the time the investigation successfully contacted § 87(2)(b) and § 87(2)(b).

On September 20, 2019, the CCRB referred § 87(2)(b)'s allegation that PO Lam planted cocaine in her purse to IAB in a spin-off under CCRB case #§ 87(2)(b).

Findings and Recommendations

Allegation A—Abuse of Authority: On August 2, 2019, at the intersection of Seaview Avenue and Nugent Avenue in Staten Island, Police Officer Michael Lam stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation B—Abuse of Authority: On August 2, 2019, at the intersection of Seaview Avenue and Nugent Avenue in Staten Island, Police Officer Yassir Zahroof stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that PO Lam and PO Zahroof pulled § 87(2)(b) over while he drove § 87(2)(b)'s car with her in the front seat, based solely upon their observation that the vehicle had excessively tinted front windows.

§ 87(2)(b) (**Board Review 38**) denied that her car had any tinted windows, and insisted that it had factory-issued windows as of the incident date.

§ 87(2)(b) initially agreed to drive the vehicle to a field interview so that the investigation could photograph its windows, but he elected to withdraw his complaint before providing a statement. Subsequent attempts to have § 87(2)(b) or § 87(2)(b) provide photographs of the vehicle proved unsuccessful.

Although BWC footage from several officers captured them standing around § 87(2)(b)'s car at the scene of the traffic stop, the front windows remained completely lowered during that time. Additional BWC footage from PO Lam documented his later search of the vehicle at the stationhouse. However, the additional footage also did not demonstrate whether the

windows were excessively tinted, due to the combination of the nighttime lighting conditions, the car's interior lights, and the officer's flashlight.

§ 87(2)(g)

Allegation C—Abuse of Authority: On August 2, 2019, at the intersection of Seaview Avenue and Nugent Avenue in Staten Island, Police Officer Michael Lam seized § 87(2)(b)'s property.

Allegation D—Abuse of Authority: On August 2, 2019, at the intersection of Seaview Avenue and Nugent Avenue in Staten Island, Police Officer Yassir Zahroof seized § 87(2)(b)'s property.

It is undisputed that the vehicle was registered to § 87(2)(b). It is also undisputed that § 87(2)(b) had a suspended or revoked license. PO Lam and PO Zahroof arrested him for § 87(2)(b) (Board Review 01). It is further undisputed that PO Lam and PO Zahroof also arrested § 87(2)(b) on scene while § 87(2)(b)'s sister, § 87(2)(b) was present at the time. It is further undisputed that PO Lam drove the vehicle back to the 122nd Precinct stationhouse, vouchered it (Board Review 39), and released it to § 87(2)(b) once she returned after her arraignment.

PO Lam (Board Review 40) and PO Zahroof (Board Review 41) provided generally consistent testimony about the vehicle seizure. They both testified that seizing the car following the arrest of § 87(2)(b) and § 87(2)(b) was standard protocol when the vehicle was involved in a crime—in this case, the crime was that § 87(2)(b) was driving it § 87(2)(b). Although neither of them remembered a conversation about § 87(2)(b) taking possession of the vehicle on scene, they both denied that someone in her position would have been allowed to do so because she was a third-party non-owner. PO Zahroof explained that the registered owner cannot delegate—merely verbally on scene—such authority, but rather can only do so in writing at the stationhouse.

BWC footage shows that § 87(2)(b) and § 87(2)(b) asked for § 87(2)(b) to be allowed to take the car, and § 87(2)(b) provided her ID to the officers. The officers told § 87(2)(b) and § 87(2)(b) that § 87(2)(b) could retrieve the car at the stationhouse once § 87(2)(b) signed some paperwork there. § 87(2)(b) initially said she would come to pick the car up that night, but later clarified that she would likely come the next day.

New York State Vehicle and Traffic Law (VTL) Section 511-b (Board Review 42) requires that an officer “remove or arrange for the removal” of a vehicle driven by someone arrested for first- or second-degree aggravated unlicensed operation of a motor vehicle committed in the officer's presence, if the driver is not the registered owner, and neither the owner nor “another [person] properly licensed and authorized to possess and operate the vehicle” is present.

§ 87(2)(g)

Allegation E—Force: On August 2, 2019, at the 122nd Precinct stationhouse, Police Officer Yassir Zahroof used physical force against § 87(2)(b)

It is undisputed that PO Zahroof drove § 87(2)(b) back to the stationhouse after her arrest in his unmarked sedan while PO Mazza sat with her in the back seat. Upon arrival at the stationhouse, PO Zahroof escorted her inside and began processing her arrest. § 87(2)(b) later went to § 87(2)(b) at her own request.

§ 87(2)(b) (**Board Review 38**) recounted that, as she was exiting the back seat of PO Zahroof's vehicle, she did so backwards with her head facing towards the car's interior. Once § 87(2)(b) had one foot out of the car and was "halfway" out of it, she felt "something" hit her on the back of her head. § 87(2)(b) initially said she did not see who or what hit her, and initially said it "could have been the officer [PO Zahroof] hitting me," or "it could have been I bumped my head. Who really knows?" However, § 87(2)(b) later clarified that she believed PO Zahroof had hit her on the head because the impact felt like it came from a knuckle rather than a flat surface or a "sharp corner." The strike to her head caused significant pain. Although § 87(2)(b) alleged that she went to the hospital solely because of her head injury PO Zahroof's BWC footage (**Board Review 10**, beginning at 26:50) shows that § 87(2)(b) actually first requested medical treatment because she could not breathe, following several minutes of her yelling at the officers that they had planted drugs in her bag.

BWC footage from PO Zahroof (**Board Review 11**) depicts § 87(2)(b) alleging to an EMT in the ambulance, "[PO Zahroof] was punching me in my head, and he was kicking me in the stomach. Those are my injuries." § 87(2)(b) later spoke directly to PO Zahroof's BWC and said, "He planted something in my bag and was punching me in my head." § 87(2)(b) later reported to staff at the hospital that PO Zahroof had punched her in the head, and she claimed to have lost consciousness as a result.

PO Zahroof's BWC footage (**Board Review 10**), beginning at 16:52, shows § 87(2)(b) exiting the back seat of PO Zahroof's car, unassisted, face forward, without any physical contact from any officer. PO Zahroof does not hit, strike, kick, or otherwise touch § 87(2)(b) as she exits the vehicle and walks calmly inside the stationhouse.

PO Zahroof (**Board Review 41**) denied hitting § 87(2)(b) on the head at any point, denied that she hit her head getting out of the car, and denied seeing any objects hit her head as she did so.

§ 87(2)(g)

Allegation F—Abuse of Authority: On August 2, 2019, at the 122nd Precinct stationhouse, Sergeant Lara Cadogan threatened § 87(2)(b) with the use of force.

BWC footage from Sgt. Paulik (**Board Review 23**, between 00:30 and 01:30) and Sgt. Cadogan (**Board Review 22**, beginning at 01:15) depicts Sgt. Cadogan pointing the laser sight of her Taser at § 87(2)(b) while he is yelling angrily inside a multi-prisoner holding cell.

§ 87(2)(g)

It is undisputed that PO Lam drove § 87(2)(b)'s vehicle back to the stationhouse after her arrest and vouchered it along with her personal belongings (**Board Review 39**). Although PO Lam (**Board Review 40**) only remembered returning to the car to change its parking spot, his BWC video (**Board Review 08**) depicts him conducting a brief search of it in the stationhouse parking lot. § 87(2)(g)

§ 87(2)(g)

As discussed above, it is undisputed that PO Lam drove § 87(2)(b)'s car back to the 122nd Precinct stationhouse in conjunction with her arrest. It remained in the stationhouse parking lot until § 87(2)(b) picked it up after her arraignment.

Any relevant stationhouse surveillance footage had already expired by the date § 87(2)(b) first alleged that an officer had spit on her vehicle. § 87(2)(b)

PO Lam's BWC footage (**Board Review 08**) of the inventory search on the night of § 87(2)(b) s arrest does not depict any officer spitting onto the vehicle. § 87(2)(b)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to two other CCRB complaints and named a complainant or victim in six other allegations (**Board Review 45**):
 - § 87(2)(b)
- § 87(2)(b) has been a party to six other CCRB complaints and named a complainant or victim in 23 other allegations (**Board Review 46**):
 - § 87(2)(b)
- PO Zahroof has been a member of service for three years and has been named a subject in one other CCRB complaint and two other allegations, neither of which was substantiated. § 87(2)(g)
- PO Lam has been a member of service for three years and has been named a subject in one other CCRB complaint and two other allegations, neither of which was substantiated. § 87(2)(g)

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Mediation, Civil and Criminal Histories

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- [REDACTED]

Squad No.: #05

Investigator: Conor Seamus O'Shea
Signature

Investigator Conor O'Shea
Print Title & Name

May 4, 2020
Date

Squad Leader: Daniel Giansante
Signature

Inv. Manager Daniel Giansante
Print Title & Name

May 4, 2020
Date

Reviewer: _____
Signature

Print Title & Name

Date

CCRB Case # 201907203